

**HDOH/EPA Water Program Meeting  
December 7-9, 2009  
Action Items**

**1) General**

- a) Make decision about using grant funds to pay for ASO overtime to process FFRs.

**2) Ground Water**

Ground Water Program Discussion:

- a) DOH SDWB will provide an updated plan/list of projects and their status for drawing down the available \$890K GW 106 funds. (Dan Chang provided update via email on 12/14/09)
- b) DOH SDWB will provide an updated list of source water protection/wellhead projects that DOH is funding with the DWSRF WHPP set-aside funds. (Dan Chang provided update via email on 12/14/09)

UIC Program:

- c) EPA and DOH SDWB will explore the possibility of using some EPA UIC funds to assist DOH with neighbor island witnessing of LCC well abandonment. This effort would support DOH's efforts and is also critical to EPA's implementation of the LCC ban. Chauncey will draft a description of the position/work and share it with EPA. (DOH submitted summary of project. EPA evaluating project and determining if the project falls within one of the available Water Division's contracts' scope of work.)

Large Capacity Cesspools:

- d) EPA agreed to request property owners/operators who seek small capacity cesspool certification to fill out a DOH cesspool card if one is not on file with DOH and include it as part of the required documentation for certification. EPA will send a draft 'self certification w/ DOH cesspool card request' template letter to DOH for review and concurrence by December 31, 2009. (Completed: EPA revised its small capacity self-certification template letter to include a request to the property owner to complete and submit a DOH cesspool card form if one is not on file.)

Lahaina WWRF Discussion:

- e) EPA will provide DOH with a draft of the CWA section 308 letter to Maui County; DOH will provide any input on monitoring/data collection that they deem would be helpful for evaluating the potential impact of the injection wells at Lahaina on the coastal waters. (EPA shared draft 308 letter with DOH. Ted Bohlen reviewed. Neither Ted nor DOH had specific comments. DOH requested opportunity to review any sampling plan submitted by the County.)
- f) Tom Arizumi committed to consulting with DOH counsel on the State's perspective regarding the scope of CWA section 401 authority as it pertains to Lahaina's injection wells, and on DOH's options for addressing a 401 certification application from Maui

County for their Lahaina WWRF. (David Albright and Ted Bohlen are keeping each other informed.)

**3) NPDES Enforcement/Compliance**

- a) DOH will work with EPA to determine which facilities will be inspected by an EPA contractor in FY10. All inspections and reports must be completed by 9/30/10. (Mike Tsuji and Ann Murphy are developing a list of facilities to be inspected. List will be complete in 2/10.)

**4) NPDES Permits**

- a) DOH will send a revised draft of the CCH MS4 permit to EPA by the end of December 2009 (incorporating EPA's comments) and EPA and DOH will have a follow-up call to discuss the changes. DOH will also incorporate EPA comments into the draft HDOT MS4 permit and submit to EPA for review. (Draft CCH MS4 sent to EPA on 12/30/09. EPA is reviewing the draft.)
- b) DOH will determine what amendments need to be made to Hawaii's Water Quality Standards for either adoption of EPA's upcoming Pesticides General Permit, or development of a Hawaii Pesticides General Permit. (DOH must adopt or develop a Pesticides General Permit by April 2011).
- c) DOH will determine a plan and schedule for reissuing the Wahiawa WWTP permit.
- d) EPA will provide DOH with information and possible training on the test of significant toxicity (TST) for Whole Effluent Toxicity test data.

**5) Monitoring/TMDLs/IR/WQS**

- a) Need overall game plan for completion of TMDLs. Dave Penn will provide to Alec Wong and Sara Roser by 12/15/09. Dave Penn will provide Alec Wong the 106 grant amendment by 12/18/09. (Dave Penn sent Table 1 and TMDL timeline to EPA on 12/15/09.)
- b) By end of December, Dave Penn will provide information cited in Responsiveness Summary for WQS amendments in Docket 1. Citation refers to a letter from John Kemmerer. If the reference was in error, Dave will provide EPA with an email documenting that fact.
- c) Dave Penn will send comments and responsiveness summary for WQS Docket 2. (Comments and summary given to EPA on 12/9/09. Conference call scheduled for 1/28/10 to discuss how to move forward with Docket #2.)
- d) Watson Okubo will provide database with beach information to Linda Koch. Watson Okubo will provide Linda Koch with the listing assessment for beach sites by 12/18/09. (12/15/09 email from Linda indicates data were retrieved from database.)

- e) Janet Hashimoto will send 106 MI funds guidance and 10 elements to Larry Lau, Alec Wong, Dave Penn, and Watson Okubo. (Completed 12/14/09)
- f) After development of WQ Data Viewer, DOH expects to have data exchange done automatically. Will be available for transferring both beach notification and monitoring data to EPA by 2/2010.
- g) DOH's action item from May 2009 is to enter 2008/2010 IR information into ADB by 12/31/2010. This was still unresolved as of 12/9/09. DOH is required to enter IR data into ADB, as described in grant work plan.

#### **6) Polluted Runoff Control**

- a) PRC Program will develop Request for Proposals (RFP) to target implementation in priority watershed and share with EPA for review/comment (Jan 2010)
- b) PRC Program will actively pursue opportunities with the Env. Planning Office (EPO) to use funds and/or staff resources to support the identification of TMDL implementation options as part of EPO's TMDL development/finalization effort in the Waikele watershed.
- c) EPA and PRC Program will discuss the possibility and details of using Section 319 funding to support water quality monitoring
- d) PRC Program will work with WWB to develop cost/staffing estimates associated with OSDS Inspection Program recommendations developed by UH (CZARA)
- e) DOH (SDWB) will initiate (via contract) source water protection-related OSDS inspections EPA to initiate discussion with DOH and CZM regarding the possibility to support an additional CZM position focused on the Coastal Nonpoint Pollution Control Program with Section 319 CZARA set-aside funds

#### **7) Priority Watersheds**

- a) EPA to finalize the 3 Priority Watershed/Measure W Status reports based upon feedback/comments from DOH (any comments no later than December 21). (Finalized and distributed on 12/23/09)
- b) EPA to submit appropriate GIS files to EPA ORD re: West Maui monitoring changes. (Completed 1/8/10)
- c) EPA to begin posting Priority Watershed Status Reports on EPA web site (Jan 2010)

#### **8) PWS**

- a) **Security Grant #1 (old grant)** - HDOH to provide revised workplan and budget changes to EPA for Water Protection Coordination Grant due to expire in October 2010 (Stuart and Mel sent revised workplan and budget mid-December, Barry reviewed and approved (with GMO concurrence) on Jan 15. This will allow HDOH to immediately

begin drawing down the grant for an existing contract to develop maps and databases on drinking water facilities for use in Emergency Response situations. This should also ensure that the WPCG funds are used for appropriate activities prior to the grant expiration in Oct of this year.)

- b) **Security Grant #2 (new grant)** - HDOH to develop revised workplan and budget for 2<sup>nd</sup> WPCG and apply for remaining funds available by July 2010
- c) **Program Review/ Data Verification – Response to Findings** - HDOH to develop a plan to address any significant discrepancies identified in the final report for the Program Review/ Data Verification which was done by contractor in July 2009, within 90 days of receipt of final report (Note – report has not been finalized by HQ yet, anticipated in Feb 2010).
- d) **Enforcement – EPA’s new Enforcement Response Policy (ERP)** - HDOH to become familiar with EPA’s new drinking water ERP and commit (in the 2011 workplan, i.e., beginning in FY 2011) to formally address all public water systems which rank about the trigger level established by EPA. The new ERP ranks systems compliance with **all** regulations, as opposed to the current SNC list which focuses on individual rule violations (i.e. does not look at systems compliance comprehensively). For 2010, EPA will continue to use the fixed SNC list.
- e) **Data, Reporting and SDWIS** - HDOH to continue with data migration from legacy databases to SDWIS (note - significant progress on data migration has already occurred) and continue working on using compliance determination system (CDS) for TCR. EPA will continue to provide training on CDS determinations, via phone and GOTO meetings. HDOH will use TCR CDS determinations for several months. If this takes place, we anticipate on site Compliance Officer (advanced) training (by SAIC/contractor) hoped to take place in 1<sup>st</sup> or 2<sup>nd</sup> quarter CY 2010.
- f) **Waiver Program** HDOH and EPA to continue to work together on development, submittal and approval of monitoring waiver program. HDOH to complete revisions recommended by contractor (Cadmus) by March 2010, for final EPA review. After EPA review, HDOH to submit complete formal package for EPA approval - by July 2010.

#### 9) **CWSRF/DWSRF**

- a) Coordination with and support from ASO is needed in expediting payments for projects receiving ARRA funds
- b) In order to receive FY 2010 CW/DW SRF allotments, DOH must have the authority (i.e., legislative/legal authority) to provide subsidies in the form of principal forgiveness, negative interest, or grants. DOH should begin the process for gaining this authority for both SRF programs.